



Report Reference Number: L/21/8

To: Licensing Committee
Date: 14 February 2022
Ward(s) Affected: All
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Title: The impact of the COVID-19 global pandemic and implications on the Licensing Service

Summary:

The impact of Covid-19 over the past 2 years has been significant on the Councils Licensing function. Throughout the pandemic Officers have had to adapt to the peaks and troughs of infection rates, changing legislation, interpreting the legislation, and then supporting licensees as they adapt their business to comply. This report will outline some of the relevant facts and statistics to the committee to help inform members on how the Licensing landscape has and is still changing because of the global pandemic.

Recommendations:

The Committee note the content of this report.

Reasons for recommendation

The number of licensing committee hearings since the COVID-19 global pandemic began in March 2020 have reduced to some degree. This report endeavours to show members how the licensing landscape has changed, the impact this has had on licence holders, applications and complaints being received by the authority.

1. Introduction and background

1.1 In March 2023 the first UK national lockdown began, in response to the COVID-19 pandemic. In the first instance, this meant that committee hearings were put on hold. These did not resume until August 2020. Most businesses and public places were closed, and Council staff were all required to work from home.

- 1.2** Since that time up to the current time the licensing Team supported by Environmental Health and the Enforcement team have had to adapt to constantly changing legislation. Where possible they have been proactive supporting licensees and reactive, supporting Governments public health legislation aimed to protect individuals and businesses but most importantly the NHS from becoming overwhelmed as the UK faced the COVID-19 global pandemic.
- 1.3** Following the COVID legislation and guidance, the Licencing Officer(s) supported by Officers from the Environmental Health and Enforcement teams started work to support premises as they reopened. The volumes wanting advice and support was significant. The approach taken was to educate and advise in the first instance. Only issuing improvement notices if required, at no time did we need to issue any closure notices.

2. The pressures on Licencing

- 2.1** The pressure for Licencing during the pandemic has focused on licenced premises in relation to covid compliance. Operationally, the Licensing Team has received many enquiries from licensees for support. The impact on Licensing (supported by Enforcement) has been:
- Additional compliance visits to premises (in and outside of office hours) in relation to covid compliance in accordance with government guidance at that time as well as / combined visits to.
 - Ensuring that premises are still abiding with the licensing legislation and their responsibilities to promote the licensing objectives
 - Government's plans to protect public places from terrorist attacks
 - Assess vulnerability in licensed premises
 - At least a 60% increase in queries, compared to 2019/20 surrounding covid compliance, with licence holders and applicants seeking guidance, this has increased as lockdown eases
 - Increased time taken to ensure all website information, applications are correct and up to date, to be able to guide licence holders to the right information relevant to the legislation at that time.
 - 120% Increase in premises licence applications; a common theme Nationally since the pandemic, this has an increase in work to the licensing team as a whole, sub-committee hearings have increased, as shown in paragraph 4.3 of the report.
 - Representations to Licensing Act applications has increased threefold. Officers, where possible, negotiate between the applicant and the objector to avoid a hearing. If this fails a hearing is required, in a 20 day turn around
 - Still responsible for the consultation and issuing of Pavement Consents that were previously given by North Yorkshire Highways.
 - This will continue until the end of September 2022. Previously given by North Yorkshire Highways.
 - 120% increase on enquiries on 2019/20 with 80% increase in events going through the SAG process, very time-consuming work needing to

coordinate responses from SAG members and vice-versa back to the event organiser, according to deadlines surrounding the event.

- Safety Advisory Group (SAG) work has considerably increased. This involves the SDC EH team, PH, County, and district meetings, working closely with partners and event organisers to ensure public, Covid safety and a consistent county approach to dealing with events.
- Night-time economy work (out of Hours); multiagency Action nights involving NYP, Trading Standards, Enforcement and EH to ensure compliance with all regulations including COVID.

2.2 Throughout this period the Service continued to provide critical regulatory services including the processing of applications for new and renewal licenses across a full range of licensing functions.

19 premises licence applications were granted in 2021, this compares with 14 in 2020, 9 in 2019 and only 8 in 2018.

In addition, in 2021/22 there have been 398 other licences and renewal of licences -2021; 42 Street Collections issued and 93 Temporary Event Notices. It is anticipated this increased level will continue as the hospitality industry does all it can to rebound.

The above shows granted licences only, this excludes licence applications that did not progress, the checks carried out annually on individual licence holders and work involved with the consultations. Each case is different some straight forward other much more time consuming based on a range of factors that affect the licencing process.

In the summer of 2021, a Temporary Licensing Officer was taken on to help with the additional workloads supporting the Licensing Manager to help ensure that the service remains able to meet the increased demands. This post remains vital to ensure the quality and consistency of the licencing function for the council.

2.3 The Council adapted remarkably quickly to the new ways of working and many of the practices adopted since the pandemic are here to stay and help improve the standard of services. Some examples of the way we have adapted:

- receive on-line applications or submission by email and interact with our customers electronically when appropriate
- Issuing electronic licences to applicants
- In turn this has advanced the move to operating paperless; the Licensing Section no longer create new paper files
- Virtual Team meetings
- Keeping in touch with our licensees – regular group email updates to our licensees on upcoming changes.
- Ensuring that our webpages are kept up to date, ensuring that our latest news section is updated, and licence holders contacted about new guidance and regulations.

Licence holders throughout this period have been kept up to date with changes in legislation by email and letter and the licensing webpages. This will continue.

- 2.4** We will continue to process applications for new and renewal licenses across all parts of our Licensing service, as this is a statutory requirement.
- 2.5** Last year the Gambling Policy was reviewed as per the statutory requirements, and this is currently out for consultation until the 21 February. An initial consultation was held last summer on the outstanding proposals in the Department of Transport's Statutory Standards for the Private Hire vehicles. Selby's Taxi Licensing Policy has been updated accordingly and is now out for public consultation until 21 February.
- 2.6** DEFRA has updated its guidance and conditions for Animal Licensing. These came into effect on the 1 February 2022. This is DEFRA's first update of the guidance following the introduction of the new regulations in 2018. Officers have been ensuring that the conditions are updated for all licenses and that the inspection reports for all the licence types are updated accordingly. All the Animal Licence holders have been contacted to advise of the new standards.
- 2.7** As of 4 April 2022 the licensing authority must carry out additional checks for individuals or companies or any type of partnership for applications of new or renewal private hire, hackney carriage driver or operator licence or scrap metal licence. The check is to make sure they are aware of their tax responsibilities or have completed a tax check.

If the tax check is not carried out by the applicant, to confirm their tax responsibilities, the authority will not be able to grant or refuse a licence.

Drivers and Scrap metal holders have been informed in November 2021 about the impending check, and again in January. The information is also on our licensing webpages.

3. Taxi Trade

- 3.1** The taxi trade has been hit hard during the pandemic, with licence holders surrendering licences and leaving the trade. During the lockdown periods, most drivers found alternative employment, as work dried up overnight. Some drivers remain in those new roles and some work only part-time in the taxi trade. There has been an increase in the number of drivers and operators taking on contract work, as this is a guaranteed income, usually even during lockdown periods, some drivers and operators only carry out this type of work. This has an impact on the number of complaints received by the authority as there are fewer customers and less drivers and vehicles.
- 3.2** The pandemic has also had an impact on drivers applying to be licensed for the first time. As well as this, the trade has been less likely to change vehicles, particularly high-end executive vehicles which are usually

considered by the committee in the first instance. This is not a unique picture to Selby; this appears to be a national theme.

4. Implications

4.1 Implications to the Licensing Committee

4.2 The Licensing Committee is set up to determine applications where officers do not have delegated authority make the decision. Most hearings heard by the committee were for new drivers, if there are convictions on the DBS (which is a requirement of the application), as officers are unable to make this decision; or issues where a licensed driver's fitness and propriety are in question and is at risk of losing their licence, applications for Executive vehicles or policy updates.

4.3 In contrast, Licensing Sub-committee hearings have been on the increase since the start of the pandemic. There has been an increase in applications even during the lockdowns, as businesses looked to diversify to the changing landscape and new business ventures arose. Previously, Selby only had one hearing in 2019 and one in 2014.

4.3 Policies have continued to be considered by the Licensing Committee as normal. The pandemic has not affected this and this will continue.

4.4 Due to the pandemic and fewer applications meeting the criteria to reach licensing committee, members may find that although Licensing hearings are programmed in monthly, there may be no business for the committee to consider and these may need to be cancelled.

4.5 Legal Implications

The Licensing Committee is a regulatory committee to determine applications that officers are unable to make. Therefore, there are no legal implications as when a decision is required to be made by the Licensing Committee a hearing will be held.

5. Conclusion

5.1 The committee are asked to note the contents of this report.

6. Appendices

None

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